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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,249	06/21/2007	Karl-Ragmar Riemschneider	DE03 0226 US1	6034
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NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER LABBEES, EDNY	
			ART UNIT 2612	PAPER NUMBER
			NOTIFICATION DATE 04/16/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No.	Applicant(s)	
	10/562,249	RIEMSCHNEIDER ET AL.	
	Examiner	Art Unit	
	EDNY LABBEES	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/21/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 11, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). The term "and the like" makes the claims unclear as to what the claims what, thus making it indefinite. In addition, regarding claim 11, the phrase "e.g." renders the claim indefinite because the meets and bounds of the claims cannot be determined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5-7, 10, 14, 15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tang et al. (US 6,724,322).

Regarding Claim 1, Tag discloses *Remote System For Providing Vehicle Information To A User* that has the following claimed limitations:

Claimed employing wireless transmission between at least one base station and at least one small device is met by the vehicle control module (16) (see Fig. 1 and Col. 4 Ins 59-65) and remote unit (24) (See Fig. 1 and Col. 5 Ins 17-29); the claimed a communication that establishes that the small device is spatially close taking place between the base station and the small device is met by the vehicle control module (16) comprising a transceiver (10) that is in communication with a controller (14). The vehicle transceiver (10) is for receiving a wireless vehicle device function signal (18) (See Col. 4 Ins 59-65) that is transmitted by the transceiver (26) of the remote unit (24) (See Col. 5 Ins 17-29). In addition, the vehicle controller (14) of the vehicle control module (16) confirms the operation of the vehicle device (20) and wherein the transceiver (10) transmits a wireless vehicle device function confirmation signal (22) wherein the transceiver (26) of the remote unit (24) receives it (See Col. 5 Ins 1-29); claimed characterized in that signaling perceptible to human beings takes place as part of the communication process between the base station and the small device is met by the system of Tang where in addition to the transceiver (26), the remote unit (24) comprises a controller (28) for generating an indicator control signal in response to receipt of vehicle device function confirmation signal (22) by transceiver (26). Indicator (30) is for receiving the indicator control signal and providing an indication to the **user** in response confirmation operation of vehicle device (20). In that regard, indicator (30) is preferably a display, such as an LCD, such as a light emitting diode (LED) (See Col. 5 Ins 30-47).

Regarding Claim 3, claimed small device receives and analyzes at least part of the signaling is met by the transceiver (26) of the remote unit (24) where in response to receipt of the vehicle device function confirmation signal (22) transmitted by the transceiver (10) of the vehicle control module (16), the controller (28) of the remote unit (24) generates an indicator control signal (not labeled) (See col. 5 lns 30-34).

Regarding Claim 5, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 6, claimed base station receiving and analyzing at least part of the signal is met by the system of Tang where the vehicle transceiver (10) of the vehicle control module (16) receiving a wireless vehicle locator signal (18). The vehicle controller (14) is for determining signal strength of vehicle locator signal (see Col. 6 lns 20-25).

Regarding Claim 7, claimed base station only performs an action associated with the communication if the signaling too has been received is met by the vehicle transceiver (10) transmits a wireless vehicle direction signal (22) when a maximum signal strength of the vehicle locator signal (18) is determined (See Col. 6 lns 29-37).

Regarding claim 10, claimed alarm is triggered by the operation of a control at the small device and by a transmission of data is met by the vehicle transceiver (10) receiving a wireless vehicle device function signal (18). Vehicle controller (14) is for generating a vehicle device control signal for use in operating a vehicle device (20) in response to receipt of vehicle device function signal (18) by vehicle transceiver (10). Vehicle device (20) could be a vehicle alarm function (See Col. 5 lns 1-17).

Regarding Claims 14 and 15, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claims 17 and 18, the claim is interpreted and rejected as claim 10 stated above.

Regarding claim 19, the claim is interpreted and rejected as claim 3 stated above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4, 8, 9, 11, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. in view of Hussey et al. (US 6,130,622).

Regarding Claim 2, Tang does not specifically disclose that the perceptible signaling is emitted from the base station. Rather, as stated in the rejection to claim 2 stated above, Tang discloses a system where the perceptible signaling is emitted from the small device. However, it well known in the art that perceptible signaling, such as audible or visual signaling, can be used to allow the user or operator to be aware of the vehicle. Hussey discloses *System And Method For Remote Convenience Function Control Having A Re-key Security Feature* that teaches a system comprising a portable hand-held transceiver (10) and a vehicle-based transceiver/controller (16) wherein the

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function request signal (18) is transmitted by the portable transceiver (14) in response to manual input from an operator. Specifically, the portable transceiver (14) includes at least one manually actuatable pushbutton selector switch. In the example shown in the figure, there are four pushbuttons (22-28). A first push-button (22) and a second pushbutton (24) are associated with the vehicle door lock and unlock functions, respectively. A third pushbutton (26) is associated with a remote vehicle locate or "find" function (i.e., short horn sound/lights flash) (See Col. 4 Ins 33-49). The short horn sound/lights flash are perceptible signaling that is emitted from the base station (i.e., the car). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Hussey into the system of Tang for the purpose of allowing the user to be aware of the vehicle once a push button, such as a panic button, is depressed.

Regarding Claim 4, the combination of Tang and Hussey discloses all of the claimed limitations:

Claimed small concludes the communication in a secure manner if the signaling too has been received is met by the system of Hussey where to provide a measure of security that only function request signals (18) from a particular portable transceiver (14), the system (10) utilizes at least one security code or key that accompanies the function request message within an overall communication packet conveyed via the function request signal (18). The current transmission security code or key "T₁" accompanies the function request message within the communication packet. The current transmission T₁ is secret, and is routinely changed. To provide further measure

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of security, such that only function request signals (18) from associated portable transceiver (14) can cause performance of the vehicle functions, the vehicle-based transceiver (16) broadcasts a response signal (36) that is intended for reception by its associated portable transceiver. Within the response signal (36), a next or update transmission key T_2 is provided for transceiver-based transceiver (14). the updated transmission key value is to be used by the portable transceiver (14) in the next transmitted function request signal (18). The portable transceiver (14) transmits an acknowledgement signal (38) back to the vehicle-based transceiver (16) acknowledging the receipt of the response signal (36) and the update of the value of the current transmission Key T_1 to the value of the next to be provided Transmission key T_2 (see Col. 5 Ins 15-67 and Col. 6 Ins1-5).

Regarding Claim 9 and 11, Hussey discloses a system where the portable transceiver (14) includes a timer (62) that is operatively connected to communicate (64) with the microprocessor (42). Upon provision of the function request message packet to the RF transceiver circuitry (54) for subsequent broadcast of the function request signal (18), the microprocessor (42) instructs the timer (62) to begin timing out a predefined time period t . Upon expiration of the timer period t , the timer (62) signals the microprocessor (42). The timed period t is referred to as a "response time period t ". If the vehicle-based transceiver (16) is to properly respond to the function request signal (18), the vehicle-based transceiver (16) must provide the response signal (36), and the response signal must be received by the portable transceiver (14), within the response time period t (See Col. 6 Ins 51-64).

Regarding Claim 13, the combination of Tang and Hussey do not specifically disclose that the signaling occurs when an access zone is entered. However, it would have been obvious to one of ordinary skill in the art to readily recognize that in order for access between the portable transceiver and the base transceiver to be taken place, the distance between the two has to be close enough for the function to be performed. If they are separated by a considerable amount of distance then the portable transceiver has not enter the zone where the distance is close enough for communication functioning to take place.

Regarding Claims 8 and 20, the claim is interpreted and rejected as claims 9 and 11 stated above. In addition, Hussey discloses a system where if the portable transceiver and the vehicle transceiver did not match, the transmission keys between the portable transceiver and the vehicle transceiver would be "out of synchronization" (See Col. 8 Ins 62-67 and Col. 9 Ins 1-14).

7. Claims 12, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. and Hussey et al. and further in view of Sollestre et al. (US5,864,297).

Regarding Claims 12 and 16, the combination of Tang and Hussey do not specifically disclose a system to deactivate the wireless transmission present on the small device. However, it is well known in the art to deactivate the portable device to decrease the consumption of the portable device. Sollestre discloses *Reprogrammable Remote Keyless Entry System* that teaches a system comprising a Key fob that may transmit coded function signals directing the vehicle to perform certain requested

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functions, such as locking and unlocking doors. When the lock function switch (12) is depressed, single transmission of a coded signal is sent. Thereafter, the circuit is deactivated to await a new requested function (see Col. 4 lns 42-57). Therefore, it would have been obvious to one ordinary skill in the art to incorporate the teachings of Sollestre into the system(s) of Tang and Hussey to decrease the power consumption of the system, thus extending the operating life of the system and thus in the long run is cheaper.

Regarding Claim 21, the claim is interpreted and rejected as claims 1, 13, 14 and 16 stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDNY LABBEES whose telephone number is (571)272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees

4/9/2008

/Davetta W. Goins/

Acting SPE of Art Unit 2612